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RICHARD W. WIERING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

In the United States District Court  
for the Northern District of California

ROGER SCHLAFLY, Plaintiff

v.

PUBLIC KEY PARTNERS, and

RSA DATA SECURITY INC., Defendants,

and CARO-KANN CORP., Intervenor.

) Case C-94-20512 SW PVT

) and C-96-20094 SW

) Memo Regarding Case  
Management Statement

) Hon. Spencer Williams

) 10 am, May 15, 1996

This is a brief memo by Schlafly stating his position on the joint case management statements by the parties in RSADSI v. Cylink, C-96-20094 SW. I supplied both parties with my positions on the issues in the hope of signing on to a joint statement. Each insisted on drafting a separate statement, either of which I would have signed had I been given the opportunity.

My position is as follows.

1. The issues at stake for the consolidated trial are the validity, scope, and licensing of the Stanford patents.

1 2. The recent Supreme Court decision in Markman v. Westview  
2 implies that a Markman hearing on claim construction followed by a  
3 trial on factual issues is appropriate for patent cases of this  
4 type.

5  
6 3. The parties are ready for trial this summer. The schedule  
7 proposed by Cylink is reasonable. I will not oppose any schedule  
8 on the grounds that it is too quick.

9  
10 Here is a brief history of the dispute, offered to support the  
11 argument that this controversy is ripe for trial.

12  
13 April 1980: Diffie-Hellman patent issues.

14  
15 August 1980: Hellman-Merkle patent issues.

16  
17 August 1983: RSADSI chairman writes a 10-page memo analyzing the  
18 scope and validity of Hellman-Merkle patent.

19  
20 March 1987: RSADSI receives license to Stanford patents. Several  
21 of its products are subsequently marked as using the Stanford  
22 patents.

23  
24 April 1990: RSADSI gains a majority interest in the Stanford  
25 patents, through Public Key Partners, and asserts that they cover  
26 all uses of public key technology.

27  
28 June 1992: RSADSI obtains a large cash payment from TRW as  
settlement of a lawsuit it and Cylink/CKC had filed for

1  
2 infringement of the Stanford patent.

3  
4 July 1994: Schlafly files a lawsuit against Public Key Partners  
5 and RSADSI alleging that the Stanford patents are invalid.

6  
7 September 1995: RSADSI loses control of the Stanford patents in  
8 arbitration, and immediately announces that they are invalid.

9  
10 May 1996: RSADSI argues that it needs another year to familiarize  
11 itself with the facts related to the Stanford patents.

12  
13 September 1997: Diffie-Hellman patent expires.

14  
15 October 1997: Hellman-Merkle patent expires.

16  
17  
18 Dated: May 7, 1996

19  
20  
21 By: 

22  
23 Plaintiff, Roger Schlafly, Pro Se

CERTIFICATE OF SERVICE  
=====

Schlafly v. Public Key Partners and RSA Data Security Inc.  
Case No. C-94-20512-SW, (PVT).  
Filed on July 27, 1994, San Jose, Calif.

The undersigned hereby certifies that he caused a copy of:

Memo Regarding Case Management Statement

to be served this date by First Class Mail upon the  
persons at the place and address stated below which is  
the last known address:

Thomas R. Hogan  
60 S Market St Ste 1125  
San Jose, CA 95113

Thomas E. Moore  
Tomlinson et al  
200 Page Mill Rd  
Palo Alto, CA 94306

Karl J. Kramer  
Morrison et al  
755 Page Mill Rd  
Palo Alto, CA 94304

and to be emailed to Patrick Flinn at pflinn@alston.com.

I declare under penalty of perjury under the laws of the State  
of California that the foregoing is true and correct.

Executed in Soquel, Calif. at the date below.

Dated: May 7, 1996

By: [Signature]

Plaintiff, Roger Schlafly, Pro Se